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09/356,845	07/19/1999	JOHN DAVID KAEWELL JR.	I-1-50.5US	8408

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EXAMINER

BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 11/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/356,845

Applicant(s)  
John David Kaewell et al.

Examiner  
Tesfaldet Bocure

Art Unit  
2631



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 9/24/01

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 11, 13-23, 25-27, and 29-31 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 11, 13-23, 25-27, and 29-31 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11,13-23,25-27 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by **Schlosser et al.** (US patent number 3,879,581, newly cited).

**Schlosser** teaches a communication system having a repeater station (100) (claimed primary) for communicating with a plurality of subscriber stations (not shown, see subscriber line in figure 1) and data terminals (110), wherein the repeater terminal comprising means and steps for: receiving an information signal from one of the subscriber stations using an up-link channel and slot through a data terminal (110); detecting the received up-link signal from the terminal and the sync signal and assigning a sync. signal in a corresponding time slot for transmitting to the receiving end on the assigned time slot and frequency (2a-2f and claims 1-6) as in claims 11,13,15,16,19,22,26 and 30. The repeater unit modifies the received up-link signals to be transmitted and assigns the down-link time slot without the knowledge of the data terminals and subscriber units, and therefore it is transparent to both the subscriber and the data terminals.

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Further to claims 14,17 and 20, the data terminals and the subscriber station (not shown) are outside the operating range.

The time slots in figures 2a-2f having a corresponding up-link and down-link frequencies (800 channels) as in claims 23,27 and 30.

The repeater unit (100) modifies the received signal to be transmitted to the receiving end, therefore, reads on the claimed equalizing the received signal before retransmitting as in claims 25,29 and 31.

The wideband downlink (121) includes a synchronization and control field, which is utilized by the spacecraft to interrogate and call the data terminals in order to set up a circuit connection, to provide time reference for uplink synchronization of the terminals (see col. 4, lines 41-59), reads on the newly claimed secondary station aligning its frame timing according to ~~the according~~ to the received signal in claims 11,15 and 19.

The repeater unit is a radio transceiver reads on the claimed transmitter and receiver embedded on radio as in claims 18 and 21.

### ***Response to Amendment***

In response to applicant's argument in pages 6-8 with respect to claims 11,13-23, 25-27 and 29-31 that:

In the office action, the spacecraft is equated to the primary station of claim 1 (meant claim 11) or the telecommunication station of claims 15 and 19 and their dependent claims. However, the spacecraft in Schlosser et al. is closer to

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the base station recited in those claims and is not similar to the primary station. As is well known in the art, a base station wirelessly communicate with communication stations in its operating area. For the present invention, the primary/telecommunication station relays transmission from the base station to a secondary station and conversely relays the signals from the secondary station back to the base station.

As correctly noted by the Applicant in his argument, the spacecraft (100) is acting as a relay station (repeater station) for relaying information between data terminals and at the same time as a master station (claimed primary station) for assigning timing and frequency for the data terminals.

Further response to the argument that:

Schlosser et al. does not disclose such an arrangement. In Schlosser et al., the spacecraft assigns timeslots and provides timing information to each data terminal. The spacecraft in Schlosser is definitely not transparent to the users, since the data terminals are both directly synchronized to and communicating with the space station and not to each other. These distinctions are clearly recited in the claims.

As indicated in the office action, with respect to transparency, i.e., the spacecraft modifies the received up-link signals to be transmitted and assigns the down-link time slot without the knowledge of the data terminals and subscriber units, and therefore it is transparent to both the subscriber and the data terminals.

Further response to the argument that:

To illustrate using claim 1 (meant claim 11), claim 11 recites "a base station receiving from the primary station the TX speech information originally from the secondary space station in said respective transmission timeslot----. This differs from Schlosser et al., where Schlosser assigns each data terminal unique timeslots. Accordingly, the timeslot used for transmission from one terminal is

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not used by the space station of Schlosser et al. to transmit that information to another data terminal.

As claimed, the "respective transmission timeslot" does not mean that the same time slot used by the base station is going to be used by the secondary station. Rather, transmitting and receiving in the respective assigned timeslot.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Monday through Thursday the first week of a bi-week and Monday through Friday the second week of a bi-week from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305- 4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4743 or (703) 305-3988 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

***Tesfaldet Bocure***  
***Primary Examiner***



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*T.Bocure*

November 15, 2001